

### REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3, and 5-21 are pending in this case. Claims 1, 3, 5-7, 14-18, and 21 are amended, and Claims 2 and 4 are canceled by the present amendment. The changes to Claims 1, 3, 5-7, 14-18, and 21. Thus, no new matter is added.

In the outstanding Office Action, Claims 1, 2, 14-16, and 21 were rejected under 35 U.S.C. § 102(b) as anticipated by Dantu, et al. (U.S. Pub. No. 2006/0233137, herein "Dantu")<sup>1</sup>; Claims 3 and 6 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dantu in view of Cheng, et al. (U.S. Pub. No. 2002/0150094, herein "Cheng"); Claim 4 was rejected under 35 U.S.C. § 103(a) as unpatentable over Dantu in view of Navas (U.S. Pub. No. 2003/0026268); Claims 5, 9, and 13 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dantu in view of Sekine, et al. (U.S. Pub. No. 2001/0024429, herein "Sekine"); Claims 7, 8, 11, and 12 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dantu in view of Cheng, further in view of Cetin, et al. (U.S. Pub. No. 2004/0028064, herein "Cetin"); Claim 10 was rejected under 35 U.S.C. § 103(a) as unpatentable over Dantu in view of Sekine, further in view of Furukawa, et al. (U.S. Pub. No. 2002/0009073, herein "Furukawa"); Claim 17 was rejected under 35 U.S.C. § 103(a) as unpatentable over Dantu in view of Johansson, et al. (U.S. Pub. No. 2002/0080752, herein "Johansson"); and Claims 18-20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Dantu in view of Johansson, further in view of Ludwig, et al. (U.S. Patent No. 6,816,471, herein "Ludwig").

At the outset, Applicants and Applicants' representative thank Primary Examiner Wang and Examiner Scott for the courtesy of an interview with Applicants' representative on

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<sup>1</sup> Applicants note that Dantu, which was filed on June 26, 2006, is not prior art against the present application, which was filed on September 16, 2003. The parent application of Dantu: U.S. Patent No. 7,068,624, was filed on February 25, 2000 and should have been cited in the rejections instead.

December 22, 2009. The amendments and arguments discussed during that interview are substantially repeated herein.

Applicants respectfully traverse the rejections of the pending claims. Because the subject matter of Claims 2 and 4 is incorporated in Claim 1, the rejections of Claim 2 and 4 are discussed in reference to amended Claim 1.

The outstanding Office Action asserts Dantu as teaching every element of Claims 1 and 2 and asserts Navas as teaching the features of Claim 4.

Dantu describes a wireless router topology layer in a wireless communications network that connects cellular sites to a wireline topology. Specifically, as described at the Abstract, “[t]he wireless router may include a first interface operable to communicate wireless packets...and a second interface operable to communicate wireline packets.” The wireless router includes a traffic converter coupled to the first and second interfaces to convert traffic between the wireless and wireline packets. The wireless router also includes a selection and distribution unit to select and distribute traffic to support soft handoff for wireless calls.

The outstanding Office Action asserts that paragraph [0011] of Dantu describes that **“one of the at least one of the plurality of relay routers”** that multicasts **“being present on each of the one or more paths for delivery** of data from the correspondent terminal to the mobile terminal.”

Paragraph [0011] of Dantu recites:

[0011] More specifically, in accordance with a particular embodiment of the present invention, the wireless router includes a selector and a distributor for soft handoff call processing. In this embodiment, the selector is operable to receive a first instance of the wireless traffic from the mobile device, to receive a second instance of the wireless traffic from the second wireless router, and to select one of the instances for transmission to a destination device for the call. The distributor is operable to receive from the wireline network traffic destined for the mobile device, to transmit a first instance of the traffic to the mobile device, and to transmit a second instance of the traffic to the second wireless router for transmission to the mobile device. The virtual path may be a label switched path (LSP) and the traffic may be a radio frame.

As is clear from the description of Dantu and the recitation of paragraph [0011] above, Dantu discusses that the distributor in a wireless router can receive wireline network traffic and transmit that directly to the mobile device and also through a second wireless router to the mobile device.

However, Dantu says nothing about a direct connection with the mobile device and a connection through the second wireless router to the mobile device being “each of the one or more paths” to the mobile device. Additionally, the wireless router of Dantu is not described as multicasting to the mobile device and the second wireless router and, thus, Dantu fails to describe “at least one of the plurality of relay routers...multicasts.”

Claim 1 also requires a “server apparatus dynamically switching which of the at least one of the plurality of relay routers...multicasts...based on the movement of the mobile terminal or the correspondent terminal.”

The outstanding Office Action asserts that paragraph [0045] of Dantu describes a server apparatus “dynamically switching.”

Paragraph [0045] of Dantu recites:

[0045] Referring to **FIG. 1**, the wireless network **10** includes a service layer **12**, a control layer **13**, a wireline router layer **14**, a wireless router layer **16**, and a physical layer **18**. The service layer **12** provides network services such as call server, bandwidth broker, policy server, service level agreement (SLA) manager, billing server, home location register (HLR), home subscriber server (HSS), domain name server (DNS), dynamic host configuration protocol (DHCP), media gateway (MGW), signaling gateway (SGW), legacy servers such as mobile switching center (MSC), base station controller (BSC), and serving GPRS serving node (SGSN), voicemail server (VMS), fax/modem server, short message center (SMSC), conferencing facilities, transcoders, and other suitable services. The control layer **13** provides a quality of service (QoS) manager, mobility manager, location manager, call agent, media gateway controller (MGC), power manager, authentication, authorization, and accounting (AAA), and other suitable agents and managers.

During the interview, the dynamic host configuration protocol (DHCP) was asserted to teach dynamically switching as defined by Claim 1.

However, as known to one of ordinary skill in the relevant art, DHCP refers to the dynamic distribution of IP addresses and configuration information to destination hosts. Thus, despite the use of the word “dynamic,” the protocol has nothing to do with “**dynamically switching which of the** at least one of the plurality of **relay routers** is the one of the at least one of the plurality of relay routers that **multicasts...based** on the movement of the mobile terminal or the correspondent terminal **changing which** of the plurality of relay routers **is present on each of the one or more paths** from the correspondent terminal to the mobile terminal,” as recited by amended Claim 1.

Navas fails to cure the deficiencies of Dantu that are discussed above and is not asserted for the features of amended Claim 1 that are discussed above as deficient in Dantu.

Further, Navas fails to teach the features of Claim 4 for which it is asserted and which are incorporated in amended Claim 1.

Specifically, Navas is asserted to teach the selecting means as defined by amended Claim 1.

However, Navas, which describes characteristic routing, does not and need not “**select as the one of the at least one of the plurality of relay routers to multicast** the data transmitted from the correspondent terminal to the mobile terminal, **a last relay router encountered in each of the one or more paths from the start point to the end point,**” as recited by amended Claim 1, because characteristic routing, as described by Navas, does not rely on multicasting by a relay router on every common path from the correspondent terminal to the mobile terminal at all.

Based on the discussion above, Applicants respectfully request that the rejection under 35 U.S.C. § 102(e) of Claim 1 and Claims 2 and 16, which depend therefrom, be withdrawn.

If a rejection of Claim 1 is maintained based on Dantu and Navas, Applicants request that the arguments above be specifically addressed in any subsequent Action.

Claims 14, 15, and 21, though differing in statutory class and/or scope from Claim 1, patentably define over Dantu and Navas for reasons similar to those discussed with regard to Claim 1. Thus, Applicants respectfully request that the rejection of Claims 14, 15, and 21 under 35 U.S.C. § 102(e) be withdrawn.

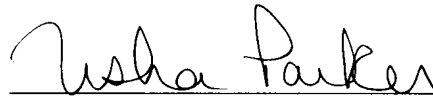
Claims 3-13 and 17-20 depend from Claim 1 and, therefore, patentably define over Dantu and Navas for at least the same reasons as Claim 1. Further, Cheng, Sekine, Cetin, Furukawa, Johansson, and Ludwig, which are not even asserted for the features deficient in Dantu and Navas, cannot cure the deficiencies of Dantu with regard to Claim 1 without altering the intended purpose and principle of operation of Dantu, which would derogate MPEP § 2143.01(V) and (VI).

Thus, Applicants respectfully request that the rejections of Claims 3-13 and 17-20 under 35 U.S.C. § 103(a) be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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